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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 HAYDAR KARIM,

12 Plaintiff,

13 vs.

14 CITY OF EL CAJON, a Municipal
15 Corporation,

16 Defendant.

CASE NO. 10cv1018-LAB (BLM)

**ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING CASE**

17 Haydar Karim filed this action against the City of El Cajon on May 12, 2010. Now
18 pending is Mr. Karim's Motion to Proceed *In Forma Pauperis* ("IFP").
19

20 **I. IFP Motion**

21 All parties instituting a civil action in a district court of the United States, except for
22 habeas petitioners, must pay a filing fee of \$350. See 28 U.S.C. § 1914(a). A party is
23 excused from paying the fee, however, if the Court grants leave to proceed IFP pursuant to
24 28 U.S.C. 1915(a). Mr. Karim has submitted an IFP application that sufficiently
25 demonstrates his inability to pay the \$350 filing fee. Although he is employed as a cab
26 driver, he makes only \$600 a month, has just \$60 in the bank, collects public assistance, and
27 pays \$800 a month to support his two sons. His Motion to Proceed *In Forma Pauperis* is
28 therefore **GRANTED**.

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1 **II. Initial Screening**

2 Pursuant to 28 U.S.C. § 1915(e), the Court must screen each civil action commenced
3 pursuant to 28 U.S.C. § 1915(a) and dismiss the action if the Court finds it is frivolous or
4 malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief
5 from an immune defendant. 28 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 45
6 (9th Cir. 2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”);
7 *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc) (28 U.S.C. § 1915(e) “not
8 only permits but requires” the court to sua sponte dismiss an IFP complaint that fails to state
9 a claim).

10 **A. Legal Standard**

11 A complaint must plead facts that “raise a right to relief above the speculative level
12 on the assumption that all of the complaint’s allegations are true.” *Bell Atlantic Corp. v.*
13 *Twombly*, 550 U.S. 544, 555 (2007). “[S]ome threshold of plausibility must be crossed at the
14 outset” before a case can go forward. *Id.* at 558 (internal quotations omitted). A claim has
15 “facial plausibility when the plaintiff pleads factual content that allows the court to draw the
16 reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v.*
17 *Iqbal*, — U.S. —, 129 S.Ct. 1937, 1949 (2009). “The plausibility standard is not akin to a
18 ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has
19 acted unlawfully.” *Id.*

20 **B. Discussion**

21 Karim alleges that the City of El Cajon violated his due process rights, and right of
22 access to the courts, by failing to have in place a fair procedure for challenging a parking
23 ticket. The facts in his form complaint are sparse, but the exhibits attached tell the story well
24 enough. Karim’s car was ticketed on January 5, 2010 for being parked in a handicapped
25 zone. The penalty was \$359.50. On February 3, 2010, Karim asked for an administrative
26 review. The request was promptly denied. Then, on March 1, 2010, Karim requested an
27 administrative hearing and asked for a waiver of the \$459.50 — the penalty amount plus a
28 \$100 hearing fee — required to obtain one. This request was also denied because the City

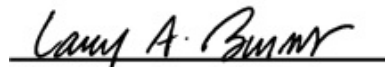
1 of El Cajon doesn't waive fees. Karim wishes to dispute the ticket on the merits, and
2 believes it is a violation of his civil rights that he has to post the penalty plus another \$100
3 as a bond to do so.

4 It is not. Parking tickets are a fact of life, and the City of El Cajon has an adequate
5 process in place for those who are unhappy about them. See *Moore v. City of Santa*
6 *Monica*, 185 Fed.Appx. 661 (9th Cir. 2006) (affirming rejection of argument that payment-first
7 requirement to contest parking ticket violated due process). It may be frustrating to have to
8 pay a penalty in order to contest that penalty, but it does violate Karim's civil rights.

9 Mr. Karim's complaint therefore fails to state a claim upon which relief may be
10 granted. It is **DISMISSED WITH PREJUDICE**.

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12 **IT IS SO ORDERED.**

13 DATED: October 29, 2010

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15 **HONORABLE LARRY ALAN BURNS**
16 United States District Judge
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